

# Notice of Allowability

Application No.

10/628,864

Examiner

Anabel M. Ton

Applicant(s)

NALLY ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/22/06.
2. ☒ The allowed claim(s) is/are 2-8 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 2-8 and 12 are allowed.
2. The following is an examiner's statement of reasons for allowance: The prior art cited does not anticipate individually nor teach in combination the following limitations:
  - Applicant's amendment filed 05/22/06 has been accepted.
  - Socci et al (5,380,001) although teaching a helmet with a motion detector and electronic power supply, Socci does not disclose the combination of a protective shell defining an inside surface and an outside surface; a plurality of lamps emitting light from said outside surface; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said motion detecting switch comprises: a housing having an interior and a conductive inner surface connected to a first terminal; an electrical contact extending into said interior of said housing, said electrical contact connected to a second terminal; and a conductive ball housed in said housing such that upon sufficient movement of said motion detecting switch, said ball will roll into simultaneous contact with said conductive inner surface and said contact thereby completing an electrical circuit between said first terminal and said second terminal; the combination of : a

protective shell defining an inside surface and an outside surface; a plurality of lamps emitting light from said outside surface; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said motion detecting switch comprises: a housing having a conductive inner surface connected to a first terminal; a spring; a conductive weight suspended from said spring and projecting into said housing, said conductive weight connected to a second terminal, wherein acceleration of the motion detecting switch will cause a deflection of said spring such that said conductive weight contacts said conductive inner surface to complete an electrical circuit between said first terminal and said second terminal; nor the combination of : a protective shell defining an inside surface and an outside surface; an outer shell in communication with said outside surface of said protective shell; a plurality of lamps adapted to emit light through said outer shell; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said outer shell is provided with a

plurality of translucent windows through which said lamps emit light; said translucent windows comprise protrusions wherein said protrusions are elliptical having a longitudinal axis aligned with a front to back axis of said protective shell.

- Chien, although disclosing a helmet with a protective inner and outer shell, a plurality of lamps beneath the outer surface of the outer protective shell, a power supply in electrical communication with the plurality of lamps and a motion detecting switch wherein electrical power is supplied to at least one lamp of the plurality of lamps for a predetermined period of time and wherein the outer shell is provided with a plurality of translucent windows through which the lamps emit light, Chien does not disclose the following combinations of elements of the instant invention: a protective shell defining an inside surface and an outside surface; a plurality of lamps emitting light from said outside surface; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said motion detecting switch comprises: a housing having an interior and a conductive inner surface connected to a first terminal; an electrical contact extending into said interior of said housing, said electrical contact connected to a second terminal; and a conductive ball housed in said housing such that upon sufficient movement of said motion detecting switch, said ball will roll into simultaneous contact with said

conductive inner surface and said contact thereby completing an electrical circuit between said first terminal and said second terminal; the combination of : a protective shell defining an inside surface and an outside surface; a plurality of lamps emitting light from said outside surface; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said motion detecting switch comprises: a housing having a conductive inner surface connected to a first terminal; a spring; a conductive weight suspended from said spring and projecting into said housing, said conductive weight connected to a second terminal, wherein acceleration of the motion detecting switch will cause a deflection of said spring such that said conductive weight contacts said conductive inner surface to complete an electrical circuit between said first terminal and said second terminal; nor the combination of : a protective shell defining an inside surface and an outside surface; an outer shell in communication with said outside surface of said protective shell; a plurality of lamps adapted to emit light through said outer shell; a power supply in electrical communication with said plurality of lamps to provide power for the operation of said plurality of lamps; a motion detecting switch in communication with said lamps such that, upon movement of said motion detecting switch, electrical

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power is supplied to at least one lamp of said plurality of lamps for a predetermined period of time; and wherein said outer shell is provided with a plurality of translucent windows through which said lamps emit light; said translucent windows comprise protrusions wherein said protrusions are elliptical having a longitudinal axis aligned with a front to back axis of said protective shell.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.

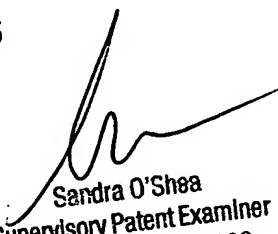
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anabel M Ton  
Examiner  
Art Unit 2875

AMT



Sandra O'Shea  
Supervisory Patent Examiner  
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